D.B. Civil Special Appeal (C) No.129/2006
RSRTC Vs. Kishan Chand Nayar & ors.

24.08.2006

Hon'ble Mrs. Gyan Sudha Misra,J.
Hon'ble Dr. Vineet Kothari, J.

Mr. Virendra Agarwal, for the appellant.

This appeal has been preferred by the Rajasthan State Road Transport Corporation against the order of the learned Single Judge who has been pleased to dismiss the appeal preferred by the RSRTC and thus upheld the award passed by the MACT. Jaipur City, Jaipur by which a sum of Rs.3,11,000/- has been awarded to the parents of the deceased who died at the age of 23 years on account of the accident caused by the vehicle owned and possessed by the appellant-RSRTC.

Learned counsel for the appellant endeavored hard to impress upon this court that the amount awarded to the dependents of the deceased is exorbitant as the age of the parents was 43 and 53 years respectively due to which the amount should not have been awarded to the extent of Rs.3,11,000/-. It has also been submitted that the multiplier applied to the age of the deceased for determining the compensation was not appropriate. He has further taken the plea of contributory negligence.

Having heard, we do not find any substance in either of the plea taken on behalf of the appellant-RSRTC as the basic ingredient for determining the compensation is to arrive at a figure which is just compensationand

all exercise in this regard including the application of multiplier is restored to for this very purpose. The amount of Rs.3,11,000/- for a boy who died at the age of 23 years leaving behind his aged parent cannot be held to be exorbitant by any yardstick.

The appeal, thus, has no substance and hence it stands dismissed at the admission stage itself.

[**Dr. Vineet Kothari**],**J.** [**Gyan Sudha Misra**],**J.**

/skm/